

REMARKS

Claims 5, 8-9, 11-14 are pending.

Claims 1-4, 6-7, 10, and 15-33 have been cancelled.

In the Office Action dated July 6, 2009, claims 11-14 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1 and 8 of U.S. Patent No. 7,457,629.

Applicant acknowledges the allowance of claims 5, 8, and 9.

The only rejection raised against claims 11-14 is a non-statutory obviousness-type double patenting rejection of these claims over claims 1 and 8 of U.S. Patent No. 7,457,629 (hereinafter '629 Patent).

It is respectfully submitted that claims 11-14 of the present application are non-obvious over claims 1 and 8 of the '629 Patent. Specifically, claim 11 recites communicating, by a base station to the mobile station, a **paging message containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service, where the indication has a first state to indicate that the paging message is related to at least one of the emergency-related location service and the law enforcement-related location service.**

Claim 1 of the '629 Patent recites a station for receiving a capability request from a non-emergency-service-provider, and generating/transmitting a capability request response to each requesting non-emergency-service provider. Claim 1 of the '629 Patent further recites that the capability request response includes a status indicator of a non-emergency-services position-determination (NESPd) capability of the station, where the NESPd capability of the station is user-selectable to enable or disable all NESPd irrespective of which non-emergency-service-provider is associated with the capability request.

A person of ordinary skill in the art would not have been led by claim 1 of the '629 Patent to communicating a **paging** message (by a base station to the mobile station) that contains an indication of whether the paging message is related to an emergency-related location service or a law enforcement-related location service, as recited in claim 11 of the present application.

Claim 8 of the '629 Patent recites receiving a status indicator from a mobile station, where the status indicator indicates that the mobile station is configured to refrain from providing

position information for non-emergency-services. However, receiving a status indicator, as recited in claim 8 of the '629 Patent, does not constitute communicating, by a base station to the mobile station, a paging message containing an indication of whether the paging message is related to an emergency-related location service or a law enforcement-related location service. Claim 8 of the '629 Patent also recites preventing a plurality of NESPD messages from being transmitted to the mobile station in response to receiving the status indicator. There is no hint here of sending a **paging** message containing the indication recited in claim 11.

Therefore, it is respectfully submitted that claims 11-14 of the present application are non-obvious over claims 1 and 8 of the '629 Patent.

Moreover, the Office Action referred to the written description of the '629 Patent as providing purported support for the rejection. Referring to the written description of the '629 Patent in the context of the obviousness-type double patenting rejection is improper.

In view of the foregoing, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (15982RRUS02U).

Respectfully submitted,

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/Dan C. Hu/

Dan C. Hu  
Registration No. 40,025  
TROP, PRUNER & HU, P.C.  
1616 South Voss Road, Suite 750  
Houston, TX 77057-2631  
Telephone: (713) 468-8880  
Facsimile: (713) 468-8883